

Application No. 10/506,402
Amdt. Dated: June 24, 2008
Reply to Office Action Dated: September 17, 2008

REMARKS/ARGUMENTS

The Examiner is thanked for the Office Action mailed June 24, 2008. The status of the application is as follows:

- Claims 1-12 are pending, claims 1-12 have been amended, and claims 13-20 have been newly added;
- Claims 2-10 are objected to for informalities;
- Claims 6-7 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims;
- Claim 12 is rejected under 35 U.S.C. 112, first paragraph;
- Claim 12 is rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter; and
- Claims 1-5, 8-9, and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhou (US 6,999,932) in view of Keith, Jr. (US 7,260,579), and in further view of Anderson et al. (US 6,625,595).

The objections and rejections are discussed below.

The Objection to Claims 2-10

Claims 2-10 are objected to for informalities. Particularly, the Office asserts that “A method” in line 1 of claims 2-10 should read “The method”. Claims 2-10 have been amended accordingly, rendering the objection thereto moot.

The Objection to Claims 6-7 and 10

The Examiner is thanked for indicating that claims 6-7 and 10 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. Applicant reserves the right to rewrite the claims as indicated by the Examiner at a later time, if desired.

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The Rejection of Claim 12 under 35 U.S.C. 112, First Paragraph

Claim 12 stands rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Office asserts that the subject claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the invention was filed, had possession of the claimed invention. In particular, the Office asserts that the phrase “program storage device readable by a machine” is not found in the disclosure.

Applicant has amended claim 12 to recite “A computer readable medium wherein code is loaded and executed on a computer of a speech dialogue system, said code executing a method comprising:....” Applicant submits that such a computer readable medium is disclosed in the specification. The specification on page 10, lines 12-13 discloses that “the speech dialogue system 1 can in essence be produced in the form of software on a suitable computer.” In addition, claim 12 as originally written (and thus constituting part of the originally filed specification), recites “A computer program comprising computer code means for carrying out all of the steps of a method as claimed in any one of claims 1 to 10 when the program is run on a computer of a speech dialogue system.” The program has computer code instructions to carry out various acts described in the specification.

It is inherent that a computer includes computer readable medium such as memory where computer code is loaded and executed. Thus, the speech dialogue system includes, at least inherently, computer readable medium to store and execute the computer code as recited in the claims. “To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill.'” (See MPEP 2112 citing *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999)). Persons of ordinary skill in the art would recognize that the computer of the speech dialogue system includes computer readable medium such as memory where the computer code is loaded and executed. Accordingly, the requirements of 35 U.S.C. 112, first paragraph, have been met, and this rejection should be withdrawn.

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The Rejection of Claim 12 under 35 U.S.C. 101

Claim 12 stands rejected under 35 U.S.C. 101. In particular, the Office asserts that the claim 12 is directed to non-statutory subject matter. Claim 12 has been amended to recite statutory subject matter, rendering the rejection thereto moot.

The Rejection of Claims 1-5, 8-9 and 11-12 under 35 U.S.C. 103(a)

Claims 1-5, 8-9 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhou in view of Keith, Jr., and further in view of Anderson et al. This rejection should be withdrawn because the combination of Zhou, Keith, Jr., and Anderson et al. does not teach or suggest all the limitations of the subject claims and, therefore, fails to establish a *prima facie* case of obviousness with respect to the subject claims.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, (CCPA 1974). MPEP §2143.03.

Independent **claim 1** is directed to a method of operating a speech dialogue system. The method requires, *inter alia*, a database having a hierarchical data structure and a plurality of nodes and a plurality of paths for connecting the nodes mutually and for connecting nodes to service objects which are arranged at one end of each path in the data structure and a plurality of paths within the data structure leads at least to part of the service objects and/or nodes. The Office asserts that Keith, Jr. teaches these claim aspects in col. 12, lines 31-67. Applicant respectfully disagrees.

Keith, Jr. teaches a method and apparatus for accessing data within an electronic system by an external system. (see Abstract). The method includes formatting a searchable database within the electronic system into a directory tree structure, the directory tree structure includes nodes comprising related data and branches comprising links between the nodes. Each related item of data is categorized by a navigation path through the directory tree structure and by one or more parameters, wherein the parameters are specific to the node in which the related data is included. The method accesses one or more nodes within the directory tree structure and obtains data from the one or more nodes by utilizing an applications programming interface. The applications programming interface can access the one or more nodes within the directory tree

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structure using a query string that defines a navigation path through the directory tree structure to access a specific node within the directory tree structure.

However, Keith, Jr. fails to teach in the cited section a plurality of paths for connecting the nodes mutually and for connecting nodes to service objects which are arranged at one end of each path in the data structure as is required by claim 1. In addition, Keith, Jr. fails to teach in the cited section that a plurality of paths within the data structure leads at least to part of the service objects and/or nodes as required by claim 1. Accordingly, this rejection should be withdrawn.

Claim 2 depends from claim 1 and requires that the keywords assigned to certain nodes are automatically also assigned to the further nodes and/or service objects classified thereunder. The Office asserts Keith, Jr. teaches these claim aspects in col. 12, lines 31-67. Applicant respectfully disagrees. Keith, Jr. teaches or suggests in col. 12, lines 31-67 that each node includes an encyclopedia listing, definition, related topics, and keywords. However, Keith, Jr. fails to teach that the keywords assigned to certain nodes are automatically also assigned to the further nodes and/or service objects classified thereunder as required by claim 2. Accordingly, this rejection should be withdrawn.

Claims 3-5 and 8-9 depend from claim 1 and are allowable at least by virtue of their dependency upon an allowable base claim.

Independent **claim 11** is directed to an automatic speech dialogue system and recites claim aspects similar to claim 1. As such, the above discussion with respect to claim 1 applies *mutatis mutandis* to claim 11, and this rejection should be withdrawn.

Claim 12 depends from claim 11 and is allowable at least by virtue of its dependency upon an allowable base claim.

New Claims 13-20

Newly added claims 13-20 emphasize various aspects. No new matter has been added. Entry and allowance of claims 13-20 is respectfully requested.

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Conclusion

In view of the foregoing, it is submitted that the claims distinguish patentably and non-obviously over the prior art of record. An early indication of allowability is earnestly solicited.

Respectfully submitted,

michael J. Corrigan

Michael J. Corrigan, Reg. No. 42,440

Anthony M. Del Zoppo, III Reg. No. 51,606

Driggs, Hogg, Daugherty & Del Zoppo Co., L.P.A.
38500 Chardon Road

Willoughby Hills, Ohio 44094

Phone: 1.440.391.5100

Fax: 1.440.391.5101

Direct all correspondence to:

Yan Glickberg, Reg. No. 51,742

Philips Intellectual Property & Standards

595 Miner Road

Cleveland, Ohio 44143

Phone: 1.440.483.3455

Fax: 1.914.323.0615